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PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

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Application Number	
Filing Date	January 16, 2004
First Named Inventor	
Tidwell, et al.	
Title	System and Method to Backup Communication Occurring Across a Plurality of Subscriber Lines
Group Art Unit	
Examiner Name	
Attorney Docket Number	710101.1380

I hereby appoint:

☒ Practitioners at Customer Number

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24504

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name

Mr. Kevin W. Schneider, Chief Technology Officer, ADTRAN, Inc.

Signature

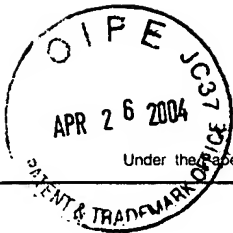
Date

1/19/2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner of Patents, Washington, DC 20231.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Tidwell, et al.Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: January 16, 2004Entitled: System and Method to Backup Communication Occurring Across a Plurality of Subscriber LinesADTRAN, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date

Kevin Schneider

Typed or printed name

Signature

Chief Technology Officer, ADTRAN, Inc.

Title

**ASSIGNMENT  
OF UTILITY PATENT APPLICATION**

WHEREAS, the following parties:

<u>Name</u>	<u>Address</u>
Brad D. Tidwell	14150 Hunter Road, Harvest, Alabama 35749
Jamie S. Kelly	8231 Old Madison Pike, Madison, Alabama 35758
John B. Bartell	107 Kensington Drive, Madison, Alabama 35758

hereinafter referred to as ASSIGNOR, has/have invented certain new and useful improvements ("invention(s)") as described and set forth in the below-identified utility application for United States Letters Patent entitled:

**SYSTEM AND METHOD TO BACKUP COMMUNICATION OCCURRING ACROSS A  
PLURALITY OF SUBSCRIBER LINES,**

which was:

- ☐ executed on even date herewith,
- ☒ filed with the United States Patent and Trademark Office (USPTO) on Jan. 16, 2004, and assigned Serial No. 10/758,903, and
- ☒ further described in U.S. Provisional application entitled "System and Method for Using a Backup Subscriber Loop to Backup Communication Occurring Across a Plurality of Subscriber Loops," filed with the USPTO on January 17, 2003, and assigned Serial No. 60/440,847.

WHEREAS, ADTRAN, Inc., having a place of business at 901 Explorer Blvd, Huntsville, Alabama, 35806, hereinafter referred to as ASSIGNEE, is desirous of acquiring ASSIGNOR'S interest in and to said invention(s), said utility application, said provisional application, and any U.S. and foreign patents which are related to the same.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ASSIGNOR, ASSIGNOR has sold, assigned and transferred and does hereby sell, assign and

transfer unto ASSIGNEE, and ASSIGNEE'S successors and assigns, (a) the entire right, title and interest, for the United States of America, in and to said invention(s), said utility application, and said provisional application and all the rights and privileges in any application and under any and all patents that may be granted in the U.S. for said inventions, including all corresponding provisional, continuation, continuation-in-part, divisional, reissue, and reexamination applications; and (b) the entire right, title and interest in and to said invention(s), said utility application, and said provisional application for all countries foreign to the U.S., including all rights of priority arising from them, and all the rights and privileges under any and all forms of protection, including patents, that may be granted in said countries foreign to the U.S. for them.

ASSIGNOR authorizes ASSIGNEE to make application for such protection in its own name and maintain such protection in any and all countries foreign to the U.S., and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from ASSIGNOR, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

ASSIGNOR hereby consents that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of ASSIGNEE to apply for patent or other form of protection for said inventions, said utility application, or said provisional application and to claim the aforesaid benefit of the right of priority.

ASSIGNOR requests that any and all patents for said inventions be issued to ASSIGNEE in the U.S. and to ASSIGNEE in all countries foreign to the U.S., or to such nominee as ASSIGNEE may designate.

ASSIGNOR covenants and agrees that, when requested, ASSIGNOR shall, without charge to ASSIGNEE but at ASSIGNEE'S expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable, or convenient in connection with the patent applications, patents, or other forms of protection of said invention(s), and for the defense and protection thereof if challenged in the court of law.

ASSIGNOR authorizes ASSIGNEE or its agents to insert, on ASSIGNOR's behalf, the filing date and/or serial number above pertaining to the utility application and/or the provisional application, if not known as of the date of execution of this document.

Brad D. Tidwell  
Brad D. Tidwell

Date: 1-16-04

United States of America

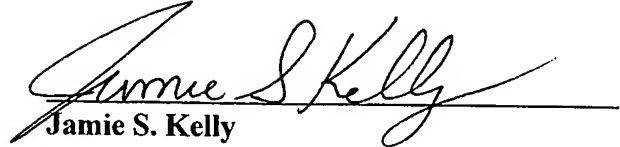
State of Alabama

County of Madison

On this 16 day of JANUARY, 2004, before me personally came **Brad D. Tidwell** to me known to be the individual described above and who executed the foregoing instrument, or acknowledged execution of the same.

Martha J. Bass  
Notary Public

4-2-06  
My Commission Expires (Date)

  
Jamie S. Kelly

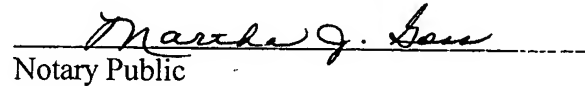
Date: 1-16-04

United States of America

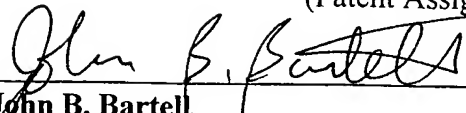
State of Alabama

County of Madison

On this 16 day of JANUARY, 2004, before me personally came **Jamie S. Kelly** to me known to be the individual described above and who executed the foregoing instrument, or acknowledged execution of the same.

  
Notary Public

4-2-06  
My Commission Expires (Date)

  
\_\_\_\_\_  
John B. Bartell


Date: 1-16-04

United States of America

State of Alabama

County of Madison

On this 16 day of JANUARY, 20 04, before me personally came **John B. Bartell** to me known to be the individual described above and who executed the foregoing instrument, or acknowledged execution of the same.

  
\_\_\_\_\_  
Notary Public

4-2-06  
\_\_\_\_\_  
My Commission Expires (Date)